

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Stephen L. Mayo et.al.

Serial No. 10/057,552

Filed: January 25, 2002

For: Apparatus and Method for
Automated Protein Design

Group No. 1637

Examiner: Kim, Young J.

Express Mail Label No. EV442862736US

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The Petitioner, **California Institute of Technology**, represents that it is the assignee of the entire right, title, and interest of:

(1) the instant application, U.S.S.N. 10/057,552, which is a continuation application of U.S.S.N. 09/714,357, filed November 15, 2000, which is a continuation application of U.S.S.N. 09/058,459, filed April 10, 1998, now U.S. Patent No. 6,188,965, which claims the benefit of U.S.S.N. 60/061,097, filed October 3, 1997, U.S.S.N. 60/054,678, filed August 4, 1997, and U.S.S.N. 60/043,464, filed April 11, 1997;

(2) copending application 09/837,866, filed April 18, 2001, which is a continuation application of U.S.S.N. 09/714,357, filed November 15, 2000, which is a continuation application of U.S.S.N. 09/058,459, filed April 10, 1998, now U.S. Patent No. 6,188,965, which claims the benefit of U.S.S.N. 60/061,097, filed October 3, 1997, U.S.S.N. 60/054,678, filed August 4, 1997, and U.S.S.N. 60/043,464, filed April 11, 1997; and,

(3) U.S. Patent No. 6,188,965 which claims the benefit of U.S.S.N. 60/061,097, filed October 3, 1997, U.S.S.N. 60/054,678, filed August 4, 1997, and U.S.S.N. 60/043,464, filed April 11, 1997.

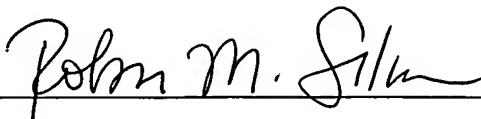
Written assignment proof for U.S.S.N. 09/058,459, filed April 10, 1998, now U.S. Patent No. 6,188,965, is recorded in the U.S. Patent and Trademark Office at Reel/Frame 010893/0095 and was recorded on June 13, 2000. A copy of the Notice of Recordation of Assignment is attached.

California Institute of Technology hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Patent Application No. 09/837,866, filed April 18, 2001, of any patent on Patent Application No. 09/837,866, and of prior Patent No. 6,188,965. California Institute of Technology hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on 09/837,866 and prior patent No. 6,188,965 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the California Institute of Technology does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of any patent granted on pending Application No. 09/837,866 and of prior patent No. 6,188,965, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney or agent of record.

Dated: **March 26, 2004**

By: 

Name: Robin M. Silva

Title: Partner, Dorsey & Whitney LLP



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 24, 2000

PTAS
FLEHR HOHBACH TEST ALBRITTON ET AL
RICHARD F. TRE CARTIN
FOUR EMBARCADERO CENTER, SUITE 3400
SAN FRANCISCO, CALIFORNIA 94111-4187



101398932A



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/13/2000

REEL/FRAME: 010893/0095
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MAYO, STEPHEN L.

DOC DATE: 06/08/2000

ASSIGNOR:

DAHIYAT, BASSIL I. ✓

DOC DATE: 06/06/2000

ASSIGNOR:

GORDON, D. BENJAMIN ✓

DOC DATE: 06/08/2000

ASSIGNOR:

STREET, ARTHUR ✓

DOC DATE: 06/08/2000

ASSIGNEE:

CALIFORNIA INSTITUTE OF TECHNOLOGY
1200 EAST CALIFORNIA BOULEVARD
PASADENA, CALIFORNIA 91125

SERIAL NUMBER: 09058459

FILING DATE: 04/10/1998

PATENT NUMBER:

ISSUE DATE:

COPY